

ARKANSAS SUPREME COURT

No. 07-1335

HAYWOOD MILLER
Petitioner

v.

HON. WILLARD PROCTOR, JR.,
CIRCUIT JUDGE
Respondent

Opinion Delivered February 14, 2008

PRO SE MOTION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS
[JUDICIAL DISCIPLINE AND
DISABILITY COMMITTEE,
COMPLAINT NO. 07-177]

MOTION DENIED.

PER CURIAM

Petitioner Haywood Miller filed a complaint with the Arkansas Judicial Discipline and Disability Commission against the circuit court judge who presided at his trial in a criminal matter. The complaint was dismissed on March 23, 2007. Petitioner has tendered a petition for writ of certiorari for review by this court of the Commission's dismissal of the complaint. Petitioner subsequently filed the instant motion for leave to proceed in forma pauperis seeking to file the petition for writ of certiorari without paying the required filing fee.

A complaint filed with the Commission is a civil matter. Rule 72 of the Arkansas Rules of Civil Procedure conditions the right to proceed in forma pauperis in civil matters upon, among other things, the court's satisfaction that the alleged facts indicate a colorable cause of action. *Boles v. Huckabee*, 340 Ark. 410, 12 S.W.3d 201 (2000) (per curiam). A colorable cause of action is a claim that is legitimate and may reasonably be asserted given the facts presented and the current law or a reasonable and logical extension or modification of it. *Id.* Where no fundamental right is involved,

filing fees do not violate due process. *Partin v. Bar of Arkansas*, 320 Ark. 37, 894 S.W.2d 906 (1995). Petitioner has not demonstrated such a claim here.

In his motion, petitioner contends only that he is entitled to proceed in forma pauperis because he was granted indigency status on July 17, 2007.¹ Such a statement does not constitute a showing of a colorable cause of action.

Petitioner here is responsible for remitting the required filing fee at his expense within thirty days of the date of this opinion if he desires to proceed with the tendered petition for writ of certiorari. *See Young v. Black*, 366 Ark. 198, 234 S.W.3d 284 (2006) (per curiam).

Motion denied.

¹On that date, he tendered to this court his affidavit of indigency but no ruling has been made on his status as an indigent.